Doc Code: AP.PRE.REQ

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

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|---|---|
| | Docket Number (Optional)<br><br>Ong 12 |

| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br><br>on ___April 11, 2006___<br><br>Signature _Bobbette A. Blake_<br><br>Typed or printed name ___Bobbette A. Blake___ | Application Number<br><br>09/342,408 | Filed<br><br>June 28, 1999 |
|---|---|---|
| | First Named Inventor<br><br>Ping-Wen Ong | |
| | Art Unit<br><br>2178 | Examiner<br><br>Thu V. Huynh |

Applicant requests review of the final rejection in the above-identified application.  No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note:  No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number ___36,597___.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

_Kevin M. Mason_
Signature

___Kevin M. Mason___
Typed or printed name

___203-255-6560___
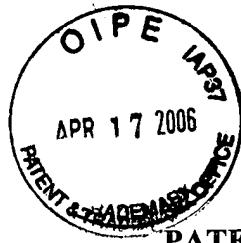Telephone number

___April 11, 2006___
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT APPLICATION

5      Applicant(s):   Ping-Wen Ong
      Case:           12
      Serial No.:       09/342,408
      Filing Date:     June 28, 1999
      Group:          2178
10     Examiner:      Thu V. Huynh

      Title:           Method and Apparatus for Persistent Access to Web Resources Using Variable Time-Stamps

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## REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
20     Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:
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In response to the outstanding Office Action, dated January 11, 2006, Applicant submits the following remarks.

## REMARKS

### Independent Claims 1, 13 and 25

30     Independent claims 1, 13, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tagawa in view of Sawashima, Archive97, Libertarian, and Fogg and under 35 U.S.C. §103(a) as being unpatentable over Tagawa in view of Kolb-Proust Archive, Archive 97, Libertarian, and Fogg. Regarding claims 1, 13, and 25, the Examiner asserts that Archive 97 discloses updating embedded hyperlinks in said version of said electronic document to include a

35     timestamp based on a requested timestamp (page 15, line 3, "Introductory Document" hyperlink, Properties box indicates the address of "Introductory Document" hyperlink, and page 16, address URL is shown when the cursor is put on link "Introductory Documents"). Nonetheless, the Examiner does acknowledge that Archive 97 does not explicitly disclose that embedded hyperlinks are statically or dynamically updated, but asserts that Fogg teaches "dynamically

40     updating, in response to user request of a web document, one or more embedded hyperlinks"

-1-

(FIG. 10; col. 11, lines 4-12).

In the Response to Arguments section of the final Office Action, the Examiner asserts that

5     the "Introductory Documents" embedded hyperlink in the original "Welcome to the Libertarian Web!" web page does not have time-stamp "pres96" in the "Introductory Document" hyperlink address (Libertarian, page 9, "Properties" box indicates the address of "Introductory Documents" hyperlink; and page 11, address URL is shown when put the cursor on "Introductory Documents" hyperlink, wherein the URL does not include a timestamp "pres96").

10     Archive 97 teaches modifying the web page "Welcome to the Libertarian Web!" (page 15, lines 1-2) to update embedded hyperlinks "Introductory Document" and Publication to incorporating time-stamp "pres96" in "Introductory Document" hyperlink address (Archive 97, pages 15-18, "Properties" box indicates the address of "Introductory Documents" hyperlink; address URL is shown when put

15     the cursor on "Introductory Documents" hyperlink, wherein the URL does include a timestamp "pres96").

As would be apparent to a person of ordinary skill in the art, a hyperlink includes many parameters, including the <u>text that is to be displayed in the web page that contains the</u>

20 <u>hyperlink</u>, the protocol, type, and <u>address (URL)</u>. When a web page is initially displayed, only the <u>text that is to be displayed in the web page that contains the hyperlink</u> is typically visible. The Properties box can then be displayed to view some of the additional information (parameters, etc.) about the hyperlink, in the manner shown in Archive 97. This information includes the hyperlink's protocol, type, and address (URL). For example, the Properties boxes

25 on pages 11, 13, 15, 17, and 19 of Archive 97 show that the address (URL) associated with the respective hyperlink includes the term "pres96."

There is no indication, however, that the hyperlink itself or the properties of the hyperlink, including the address (URL), are or have been updated. It must be emphasized that the act of *displaying* the Property Box does ***not*** *change* or *update* the properties of the hyperlink.

30 This would be apparent to a person of ordinary skill in the art, notwithstanding the Examiner's assertion to the contrary. In the context of the Examiner's example in Archive 97, the address (URL) of the hyperlink appears to be the same 1) *before* the display of the web page, 2) *after* the display of the web page but *before* the display of the Property box, and 3) *after* the display of the Property box. Thus, there is no evidence of any updating of the hyperlink in Archive 97.

35 Thus, contrary to the Examiner's assertion, Archive 97 does not disclose or suggest (i) ***updating an embedded hyperlink***, (ii) updating an embedded hyperlink, ***in response***

*to a request*, or (iii) updating an embedded hyperlink to include a timestamp *based on a requested timestamp*.

By contrast, each of Applicant's independent claims requires "updating, in response to said request, one or more embedded hyperlinks in each of at least two of said two or
5    more obtained versions of said electronic document to include a timestamp based on a requested timestamp."

As indicated above, the Examiner acknowledged that Archive 97 does not "explicitly disclose (that) embedded hyperlinks are statically or dynamically updated," but asserts that Fogg teaches to modify the requested web page by updating each embedded
10   hyperlink in the request(ed) web page to include an indication of *link viability* before sending the requested web page to the user. Regarding the indication of link viability, Applicant notes that Fogg teaches that,

> a visual indicator is created and provided 620 to represent the *link viability (i.e., the probability of successfully accessing the link)*. Such a visual
15   > indicator may take any number of forms. One way these indications are provided is by searching the HTML code of the page to find the "attribute: color" of the link anchor or icon, and changing this color depending on the measure of link viability. One color indicating low link viability might be blue, which could be considered analogous to "cold", and as the measure of link viability increases
20   > closer to 100% the color of the link anchor or icon changes to red indicating "hot". Other examples include adjusting the size of the link anchor or icon of an icon link, and increasing the font size of a textual link. Alternatively, the HTML code is altered to associate an icon with the link, such as a thermometer placed adjacent to the link. As link viability increases, the reading on the thermometer
25   > increases. There are many other types of indications that can display link viability. (Col. 9, lines 6-23; emphasis added.)

The link viability is the *probability of successfully accessing the link*. Link viability is **not** a timestamp. In addition, link viability is a parameter *associated with the current*
30   *status of the link*, as opposed to the timeframe associated with a timestamp included in a request for an electronic document. Fogg does *not*, however, disclose or suggest *updating an embedded hyperlink, in response to a request*, to *include a timestamp based on a requested timestamp*. A person of ordinary skill in the art would recognize that the inclusion of a timestamp requires *updating the content of the embedded hyperlink*. Independent claims 1, 13,
35   and 25 require updating, in response to a request, one or more embedded hyperlinks to include a timestamp based on a requested timestamp.

The Examiner has not asserted that Tagawa, Sawashima, Libertarian, Kisor, Allard, George, Kolb-Proust Archive, and Compose Search disclose or suggest updating a hyperlink in this manner, and no such teaching could be found by Applicant.

Thus, Tagawa, Sawashima, Archive97, Libertarian, Fogg, Kisor, Allard, George, Kolb-Proust Archive, and Compose Search, alone or in combination, do not disclose or suggest updating, in response to a request, the content of one or more embedded hyperlinks to include a timestamp based on a requested timestamp, as required by independent claims 1, 13, and 25.

Dependent Claims 2-12 and 14-24

Claims 2-12 and 14-24 are dependent on claims 1 and 13, respectively, and are therefore patentably distinguished over Tagawa, Sawashima, Archive97, Libertarian, Fogg, Kisor, Allard, George, Kolb-Proust Archive, and Compose Search (alone or in any combination) because of their dependency from independent claims 1 and 13 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

In view of the foregoing, the invention, as claimed in claims 1 through 25, cannot be said to be either taught or suggested by Tagawa, Sawashima, Archive97, Libertarian, Fogg, Kisor, Allard, George, Kolb-Proust Archive, and Compose Search (alone or in any combination). Accordingly, Applicant respectfully requests that the rejection of claims 1 through 25 under 35 U.S.C. § 103 be withdrawn.

All of the pending claims, i.e., claims 1 through 25, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

*Ken M. Mason*

Dated:   April 11, 2006

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